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SUBJECT: AZERBAIJAN: MEDIA FREEDOM TRENDS RAISE
INTERNATIONAL CONCERN

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Classified By: Charge Jason P. Hyland for reasons 1.4 b and d.

[1](#)1. (C) Summary: The past six months have seen the emergence of disturbing trends in Azerbaijan's media climate. Senior GOAJ officials, most prominently the Minister of the Interior, have sued numerous journalists for civil and criminal libel in response to criticism in the print press. These lawsuits have resulted in several exorbitant court fines and criminal charges against journalists. Two high-profile physical assaults on journalists earlier this year remain unresolved and the June arrest on drug charges of a well-respected satirical commentator have stunned many in civil society. In the background, human rights activists and journalists continue to blame the government for failing to bring anyone to justice for the 2005 murder of prominent opposition journalist Elmar Huseynov (ref a). Separately, ANS TV, Azerbaijan's largest and most watched television channel, has not yet had its broadcasting license renewed by the media regulatory authorities. These events signal a disturbing decline in media freedoms. OSCE Special Representative on Media Freedom plans to visit Baku in September and we strongly endorse this visit. Separately, OSCE member states plan a unified demarche on senior GOAJ officials on media freedoms. END SUMMARY.

INTERIOR MINISTER FILES SERIES OF LAWSUITS AGAINST JOURNALISTS

[1](#)2. (C) There has been a significant rise in the number of civil and criminal libel suits against members of the press, largely driven by Interior Minister Ramil Usubov and his deputies. Since June, Usubov's lawyers have filed six libel suits against journalists who have criticized his performance or assailed his Ministry. The well-respected opposition journalist and political commentator Zardusht Alizadeh gave an interview to an opposition newspaper in which he said that "Most of the MIA officials prosecuting drug crimes are drug dealers themselves." This statement resulted in Usubov's suing Alizadeh and the opposition paper that ran the interview, Azadliq, for USD 50,000. A court quickly ruled that the Alizaeh was guilty, ordered him to apologize and write a public refutation of the statement, but lowered the fine to USD 5000 which must be paid to an orphanage. (Alizadeh told Poloff he has no intention or capacity to pay this.)

[1](#)3. (SBU) Several of the suits stemming from the MIA are connected with the ongoing murder trial of former senior MIA official Haji Mammedov who operated a criminal gang from within the MIA. Usubov filed two lawsuits - one civil, one criminal - against the small, opposition newspaper Milli Yol because of its articles about the MIA related to the Mammedov trial (ref b). Verdicts were swift in these libel cases and

on August 12 a judge fined each of the two Milli Yol journalists roughly USD 5000 each, an exorbitant amount by Azerbaijani standards. In addition to those suits filed by the MIA, we estimate that there are nine libel suits pending against Azadliq newspaper alone and four suits pending against another opposition newspaper Yeni Musavat. (On a positive note, the Minister has agreed to meet with the press August 19 to discuss the suits in an event moderated by the Media Council.) Senior public officials have routinely used both civil and criminal libel suits to silence media critics in the past. Lawsuits however, had been on a steady decline since April 2005, driven by President Aliyev announcement of a moratorium on libel suits after the death of Elmar Huseynov.

WHAT HAPPENED TO MIRZA SAKIT?

14. (SBU) Compounding the media's sense of anxiety has been the June arrest of the well-known satirical journalist Mirza Zahidov who goes by the pen name Mirza Sakit. Sakit was arrested on June 23 on charges of heroin and other narcotics possession. Although we have no way of knowing whether or not the charges are bonafide, the vast majority of civil society opinion leaders believe that police planted the drugs on Sakit in retribution for his many (and often witty) critiques of government corruption. Journalists and human rights activists, led by a dynamic young journalist named Emin Huseynov, formed the Committee to Defend the Rights of Sakit Zahidov and have actively campaigned on his behalf. The Committee has written numerous letters to the international community, attracting the support of Reporters Without Borders, the Committee to Protect Journalists, and Amnesty International, all of which have raised Sakit's case in

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recent public statements of concern about media freedom in Azerbaijan. Sakit's case went to preliminary hearing August 18 and the trial is expected to start shortly.

PHYSICAL ASSAULTS UNRESOLVED

15. (U) The two physical attacks on journalists that occurred in the past six months have also raised alarm bells. In March, a group of unknown assailants attacked and severely injured opposition journalist Fikret Huseynli. In May, Bizim Yol editor-in-chief Bahaddin Hajiyeve was abducted outside of his Baku office and physically assaulted. The MIA and the Prosecutor General's office have made repeated public statements about the GOAJ commitment to solving the crimes but most commentators say the investigations have stalled. Opposition journalists do not believe the MIA will thoroughly investigate crimes against them in light of the Minister's public criticism of the press and string of law suits.

HUSEYNOV MURDER STILL LOOMS LARGE

16. (SBU) Looming above the current anxiety in the media is the still unresolved murder investigation of prominent opposition journalist Elmar Huseynov. Huseynov was gunned down in the stairwell of his apartment in March 2005. The Government disclaimed any connection to the murder and President Aliyev publicly called for a speedy investigation into the crime. Press reports indicate that the two suspects are Georgian citizens living in Tbilisi; however the press and human rights activists criticize the Government for not succeeding in extraditing those individuals. More importantly, there remains much speculation about who in Azerbaijan might have ordered the murder. The general public was stunned when Haji Mammedov told a packed courtroom July 25 that detained former Minister of Economic Development Farhad Aliyev had ordered the murder. The stalled investigation into the Huseynov murder continues to weigh heavily on civil society's assessment of the media climate in

Azerbaijan.

ANS TV LICENSE NOT YET RENEWED

17. (C) On a separate note, the GOAJ media regulatory authorities have yet to renew the license of Azerbaijan's largest and most popular independent broadcast company, ANS TV and Radio. ANS' broadcast license expired last September. Media regulators, who are not viewed as independent actors, have been dragging their feet in renewing the license. However, most other television stations have had their licenses renewed in recent months. The delay in renewing ANS license is likely a means of pressuring this largely independent media outlet. (Presidential Advisor Ali Hasanov told Charge the license would be renewed in September and that tax charges against ANS were legitimate.)

INTERNATIONAL COMMUNITY RESPONSE

18. (C) Taken together, this year's physical assaults on journalists, the unresolved Huseynov murder, the ANS license renewal problem, and the Interior Minister's rash of libel suits, indicate that the Azerbaijani media climate has deteriorated. At an August 18 meeting with OSCE members states' ranking diplomats, we agreed to address the decline in media freedom next week in a joint meeting with senior presidential advisors. OSCE Ambassador Pavesi told the group that OSCE Special Representative on Media Freedom Miklos Haraszti plans to travel to Azerbaijan in the second or third week of September to reinforce the international community's concerns and to raise the aforementioned cases with President Aliyev and other members of the GOAJ leadership. We strongly endorse OSCE plans to bring Haraszti to Azerbaijan and request that the Department and US Mission OSCE urge the OSCE to ensure that the visit happens as soon as possible.

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